



Osgoode Hall Law School of York University
Osgoode Digital Commons

[Articles & Book Chapters](#)

[Faculty Scholarship](#)

2005

Law as Local Knowledge

Dayna Scott

Osgoode Hall Law School of York University, dscott@osgoode.yorku.ca

Source Publication:

McGill International Journal of Sustainable Development Law

Follow this and additional works at: https://digitalcommons.osgoode.yorku.ca/scholarly_works



Part of the [Law Commons](#)

Recommended Citation

Scott, Dayna M. "Law as Local Knowledge." *McGill International Journal of Sustainable Development Law*. 81.1 (2004): 81-93.

This Book Review is brought to you for free and open access by the Faculty Scholarship at Osgoode Digital Commons. It has been accepted for inclusion in Articles & Book Chapters by an authorized administrator of Osgoode Digital Commons.

Book Review: “Law as Local Knowledge?”

Earthly Politics: Local and Global in Environmental Governance, edited by Sheila Jasanoff and Marybeth Martello
(Cambridge, MA: London, UK: MIT Press, 2004) 350 pp.¹

*Reviewed by Dayna Nadine Scott**

In *Earthly Politics*, a collection of essays exploring “the local” and “the global” in contemporary environmental governance, editors Sheila Jasanoff and Marybeth Long Martello predict that the accommodation of *difference* will increasingly constitute a pressing challenge for global governance. As globalization works to erase distance, they argue, governance structures must not only devise mechanisms that transcend localism but must do so in a way that confers respect on the local.²

The central theme of this collection of thirteen essays is an exploration of the meanings, uses, and implications of “local knowledge”. The contributions link empirical observation with theoretical work grounded in science and technology studies (S&TS), international relations, development studies and anthropology. The collection begins with the premise that local knowledge is not merely “place-based” but is also *situated*; that is, it is constituted within particular communities, histories, institutional settings and expert cultures. What is ventured in this ambitious collection is more controversial: that *all* knowledge, including scientific knowledge, is situated and thus, in some sense, local.

Legal academics, as I explain in some detail, may be disappointed by the editors’ failure to deal explicitly with the status of *law* in their analysis. Other readers, however, will find *Earthly Politics* to be a fascinating exploration of the local/global interface that integrates micro-focused and richly contextual ethnographies of local cultures and global institutions with systemic and macro-focused perspectives on globalization, governance, and the sociology of knowledge. In my assessment the collection is successful and the story a compelling one.

It is commonplace today to hear academics espousing the virtues of the local as a means of enriching our understandings of the global. Less often do we hear the flip-side of this narrative: that the global can also “[provide] means for local entities to gain access to, engage with, and draw benefits from global forums and discourses.”³

¹ [Earthly Politics].

^{*} Ph.D. Candidate, Osgoode Hall Law School; Visiting Researcher, Hauser Global Law School Program, NYU School of Law. Address correspondence to dscott@osgoode.yorku.ca.

² Marybeth Long Martello & Sheila Jasanoff, “Introduction: Globalization and Environmental Governance” in *Earthly Politics* at 1.

³ Sheila Jasanoff & Marybeth Long Martello, “Conclusion: Knowledge and Governance” in *Earthly Politics* 335 at 340.

This book provides a rich, nuanced analysis of both globalizing and localizing forces. Working at a fine-grained level of detail and description, it paints a complicated and contextual picture of the challenges facing contemporary global governance; both the global and the local are problematized and prodded.

The juxtapositions of local and global, universal and particular, animate the collection. The puzzle the editors confront derives from the observation that environmentalism, a movement borne out of place-based political phenomena like the NIMBY (not-in-my-backyard) syndrome, so effortlessly turned global, and the equally striking observation that the implementation of a global agenda of environmental protection has invariably led back to an emphasis on the local.⁴ As Jasanoff and Martello note, we have witnessed in recent decades a remarkable willingness to seek global solutions to environmental problems. Nations have signed on to an overwhelming number of commitments ranging from treaties addressing acid rain, ozone depletion, hazardous wastes and marine pollution to biodiversity and climate change conventions. These early efforts hint at what may be an emerging politics of transnational governance. Of several cited trends, including the increasing interaction between scientific and political authority, the more prominent role of non-state actors and the emergence of new political forms, Jasanoff and Martello identify "the reassertion of local knowledge claims and local identities against the simplifying and universalizing forces of global science, technology and capital"⁵ as a critical challenge for the coming century.

In fact, we are already witnessing an era in which "national particularities" come under intense pressure from multiple sources and expose fault lines in both institutions and global systems of governance. The genetically-modified organisms dispute currently before the World Trade Organization (WTO),⁶ for example, is described by several commentators, including Jasanoff herself, as threatening to dismantle the very legitimacy of the WTO, precisely because it is seen as a test of whether the supranational institution is flexible enough to accommodate national particularities (the *differences* in regulatory styles and risk tolerances that fill in the context of culture and place).⁷

⁴ Martello & Jasanoff, *supra* note 2 at 4.

⁵ *Ibid.* at 3-4.

⁶ In *European Communities – Measures Affecting the Approval and Marketing of Biotech Products* (2003), the U.S. (WTO Doc. WT/DS291/23), Argentina (WTO Doc. WT/DS293/17) and Canada (WTO Doc. WT/DS292/17) each requested a panel of the WTO be set up to hear the dispute on August 8, 2003.

⁷ Sheila Jasanoff is one of a trans-Atlantic group of five academics on science and society that submitted an *amicus curiae* brief to the Dispute Settlement Panel of the WTO in the GMO dispute: Lawrence Busch, Robin Grove-White, Sheila Jasanoff, David Winickoff, Brian Wynne, *Amicus Curiae* Brief, submitted to the Dispute Settlement Panel of the World Trade Organization in the case of *European Communities Measures affecting the approval and marketing of biotech products*, (2004), WTO Doc. wt/ds/293-22.doc. See also Dayna Nadine Scott, "Nature/Culture Clash: The Transnational Trade in GMOs" in J.H.H. Weiler,

The editors contend that new attention to the local within the discourses of global governance is not a fleeting trend in scholarship but rather a critical feature of contemporary understandings of globalization. Governance is conceptualized as the increasing dominance of new structures for governing that cannot be slotted easily into categories of state or market, domestic or international (in the sense of *between nations*). The proliferation of *world* institutions, such as the World Bank, the WTO and the World Intellectual Property Organization (WIPO) are offered as examples, reflecting interesting tensions between local and global environmental governance. Each essay included in this collection seeks to explore the dynamics of localization and globalization as they relate to ways of knowing about and evaluating environmental phenomena. The authors offer insight into the particular pathways, norms and practices through which environmental knowledge gains power in politics. The volume is genuinely interdisciplinary, both between and within contributions. Jasanoff and Martello see S&TS as providing the "intellectual backbone" of the project, but the contributors draw on anthropology, sociology, law, political science and political ecology. What they hope to provide, individually and collectively, are lessons for the designing of both institutions and processes of global governance.

Thematic Focus

The editors identify three themes emerging from the case studies. The first is that global solutions to environmental problems must be coupled with new opportunities for local self-expression; we must strive to recover the local in our global regimes. The proliferation of international institutions for the protection of the environment and their associated scientific bodies and non-governmental organizations (NGOs) over the past two decades has enrolled many actors in the task of producing a massive body of universally accepted facts, ideas, and messages for a global audience. Phenomena such as "species protectionism", "biosafety", "risk assessment", and "precaution", for example, are a product of this project in brokering global knowledge.

But environmental politics, as the editors underline, has traditionally been "a politics of the local": "It derives emotional force from people's attachment to particular places, landscapes, and livelihoods, and to an ethic of communal living that can sustain stable, long-term regimes for the protection of shared resources."⁸ Jasanoff and Martello argue that local self-sufficiency and place-based identities continue to be important for effective environmental governance. The essays also reflect a growing recognition by global actors that achieving "culturally appropriate technologies" means understanding local indigenous practices and obtaining community participation and buy-in.

The second theme identified by the editors is that the production of knowledge and its relation to power is central to constructions of the local and the global alike. In this way, understandings and representations of environmental problems are "ines-

ed., *Hauser Global Law Working Paper Series* (New York: New York University School of Law) [forthcoming in 2005].

⁸ Martello & Jasanoff, *supra* note 2 at 7.

capably linked to the ways in which we chose to ameliorate or solve them.”⁹ Further, the identification of priorities, the task of deciding which issues merit global attention, is equally a matter of power and resources – scientific or otherwise.

The production of scientific knowledge, we are reminded, is tied to field sites, laboratories, or computers, and is embedded in particular traditions for the purposes of securing credibility. Observations that achieve the status of “science”, as Bruno Latour has shown, possess an enhanced mobility and are able to circulate globally in journal articles, maps, equations, charts and debates.¹⁰ Claims that fail to circulate in this way, the editors point out, have failed to achieve the status of science and will not accordingly be received as universally valid. As they note, however, globalization may be exerting a diversifying force on sources of knowledge recognized and received in environmental policy.

Jasanoff and Martello note with approval “a shift from ‘science’ as the primary cognitive resource for addressing global-scale social and ecological challenges to the broader category of ‘knowledge’”¹¹ – local, traditional, and indigenous. This development seems to fly in the face of predictions made by Peter Haas and others in the early 1990s that “...progress on international environmental problems would likely come through transnational ‘epistemic communities’ – coalitions of professionals sharing a common causal explanation for perceived problems and an associated normative basis for allocating the costs of prevention and mitigation.”¹² The turn to local knowledge, on the contrary, following Jasanoff and Martello, makes space for “more fragmented and multiple visions of what is wrong with the environment, what values are at stake and, above all, what should be done about the perceived threats.”¹³

The embrace of knowledge as a supplement to science is tied to changes in the way in which environmental problems have been framed over the past decade. Issues have come to be seen as more systemic and complex. Concerns over endangered species, for example, have become concerns over biodiversity loss while the linear notion of global warming has been replaced by the more turbulent concept of climate change. Consequently, since policies to address these systemic problems have had to engage a larger and more diverse group of actors, a different type of expertise is emerging. Holders of indigenous and traditional knowledge are becoming important new actors in international discourse.

By allowing these new conceptions of knowledge into global negotiations, Jasanoff and Martello argue that international environmental regimes have launched a bold experiment in transnational politics and governance. Still, while the “epistemological

⁹ *Ibid.* at 5.

¹⁰ Bruno Latour, “Drawing Things Together” in Michael Lynch & Steve Woolgar, eds., *Representation in Scientific Practice* (Cambridge, MA: MIT Press, 1990) 19.

¹¹ Martello & Jasanoff, *supra* note 2 at 9.

¹² *Ibid.* See also Peter M. Haas, “Introduction: Epistemic Communities and International Policy Coordination” (1992) 46 *International Organization* 1-35.

¹³ Martello & Jasanoff, *supra* note 2 at 9.

spectrum” has been broadened to include knowledge as well as science, the editors emphasize that “international regimes have continued to invoke, and so to reinforce, the boundary between science and other forms of knowledge[.]”¹⁴ This is the dynamic that preoccupies the contributors to this collection.

The essays, cumulatively, stand for the proposition that both science and knowledge can be seen as local and, following Donna Haraway, *situated*.¹⁵ The notion that “only knowledge that cannot and does not aspire to the status of science” is considered local while science remains universal and “free from local coloration”¹⁶ is rejected. Rather, the editors adopt Haraway’s theory that communally accepted knowledge derives its “robustness” from its roots in a particular “way of knowing”, not from any claim to universalism. Thus, the collection aims to illustrate that it is the “*situatedness* of environmental knowledge that gives it force in decision-making, whether the knowledge is scientific or of any other kind.”¹⁷

The collection demonstrates that the boundary demarcating science from other modes of knowing is contested and is “constituted through social and political processes.”¹⁸ Indeed, a thread running throughout the essays is the exploration of how certain claims and skills attain the status of science and what the attachment of such status means. In light of the reality that contemporary global governance regimes now espouse an openness to types of knowledge broader than science, the authors urge that it is especially important to begin the exploration of the practices through which alternative, local or indigenous meanings are combined with, added to, or differentiated from scientific understandings.

The third theme presented by Jasanoff and Martello relates to the fact that, according to them, effective global governance “requires constant translation back and forth across relatively well-articulated global and local knowledge-power formations.”¹⁹ In everyday speech, they remind us, the word “local” connotes an attachment to a particular *place*, a specific part of some geographic or political space. But “the localisms that have sprung up within the perimeter of the global,” as this collection makes clear, are not necessarily attached to places – instead, they might connote attachments to “particular communities, histories, institutions, or even specialist expert bodies.”²⁰

¹⁴ *Ibid.* at 13.

¹⁵ See chapter nine, “Situated Knowledges: The Science Question in Feminism and the Privilege of Partial Perspective” in Donna J. Haraway, *Simians, Cyborgs, and Women: the Reinvention of Nature* (New York: Routledge, 1991).

¹⁶ Martello & Jasanoff, *supra* note 2 at 13.

¹⁷ *Ibid.*

¹⁸ *Ibid.* See also Thomas Gieryn, “Boundary-Work and the Demarcation of Science from Non-Science: Strains and Interests in Professional Ideologies of Scientists,” (1983) 48 *American Sociological Review* 781.

¹⁹ *Ibid.* at 5.

²⁰ Martello & Jasanoff, *supra* note 2 at 13.

Challenging much conventional social scientific treatment of local knowledge that would dismiss it as “pre-scientific”, traditional and inevitably endangered, these essays focus on local epistemologies and their politics within the context of globalization. They pay particular attention to how localisms are built and sustained and resist the temptation to adopt static visions of the local and the global. Additionally, they tie in to an existing body of literature that challenges the inferiority assigned to local ways of relating, at least in part, to the environment.²¹ In this volume all knowledge, including science, is seen to originate in the local or the situated. “Localism” is not therefore “confined either to remote villages nor to sophisticated laboratories” but can, according to these authors, be “observed in any site that produces authoritative knowledge.”²²

Outline of the Volume

The chapters are organized “so as to capture the interplay between the local and the global at three levels of governance: international institutions and their standardization of knowledge; national responses to environmental globalism; and environmental knowledge and cultural communities other than nation-states.”²³ In the opening essay, “Heaven and Earth”, Jasanoff examines the impact of a particular image on our collective consciousness: that of the Earth as seen from space. She demonstrates how this “small and fragile ball” – limited, isolated, finite, and floating in space – has been imprinted into environmental consciousness and how the image has been used to justify the overriding of local sensibilities and commitments in the name of a shared Earth.²⁴

But the contributors steadfastly refuse to accept a simple paradigm of the global over that of the local. The essays in Part I: “Knowing and Ruling”, focus on international institutions and their means of standardizing knowledge. Aarti Gupta’s study of the negotiation of the *Cartagena Protocol on Biosafety*, for instance, argues that the conceptual framework of biosafety can operate as both “globally compelling and locally contingent.”²⁵ Clark Miller’s essay, “Resisting Empire”, similarly, discusses

²¹ The editors note that, despite the work of early cultural anthropologists like Mary Douglas who viewed localisms as tied to “ways of knowing”, many local resistance movements today are written off as being uninformed and ignorant, as suffering from a “knowledge deficit”. They credit “older ethnographic traditions” that framed observations in terms of “us” and “other” and adopted an essentialist view of local culture that consistently privileged the observer’s position. In adopting Haraway’s concept of situated knowledge the papers in the volume embrace a more reflexive and critical stance with respect to the subject/object divide. See Mary Douglas, *Natural symbols: Explorations in Cosmology* (Harmondsworth: Penguin Books, 1978).

²² Martello & Jasanoff, *supra* note 2 at 17.

²³ *Ibid.* at 20.

²⁴ Sheila Jasanoff, “Heaven and Earth: The Politics of Environmental Images” in *Earthly Politics* 31.

²⁵ Aarti Gupta, “When Global is Local: Negotiating Safe Use of Biotechnology” in *Earthly Politics* 127 at 127.

strategies of re-localization as instruments through which to combat both the “new globalism” and the lack of political accountability evident in knowledge-making institutions.²⁶

Part II: “Globalism and National Politics”, explores national responses to environmental globalism. Myanna Lahsen’s ethnography of Brazilian climate scientists, “Transnational Locals: Brazilian Experiences of the Climate Regime”, carefully describes how these expert transnational actors negotiate the politics of global knowledge-construction and its interplay with national interests.²⁷ Her text highlights that no matter where on Earth climate science is produced it is nonetheless situated: in the North, by the North, for the North. For her, then, global science, as much as local knowledge, remains rooted in “place”.

In a similar vein, Tim Forsyth challenges the orthodox view that environmental NGOs tend to value local knowledge because they are committed to democratization and progressive ends. His essay, “Social Movements and Environmental Democratization in Thailand”, disputes the romantic notion of the local often adopted by environmental social movements.²⁸ In Thailand, as he demonstrates, middle-class environmentalists have often worked to repress the voices of the poor. The essay both demonstrates the gaining currency of local knowledge in global governance regimes and the processes through which some local forms are able to attain power and influence in these settings.

Strategies of localization and globalization are important elements of identity formation. In Part III, Martello’s contribution, “Negotiating Global Nature and Local Culture: The Case of Makah Whaling”, traces the strategic deployment of the rhetoric of localization and globalization in the debate over the hunting of grey whales by the Makah tribe in the Pacific Northwest.²⁹ Further, she illustrates the processes through which actors negotiate the assignment of authenticity to aspects of local culture.

Alistair Iles’ text, “Patching Global and Local Knowledge Together: Citizens Inside the US Chemical Industry”, contributes to the growing perception that the citizen-expert dichotomy with respect to knowledge is a false one.³⁰ In doing so, he

²⁶ Clark A. Miller, “Resisting Empire: Globalism, Relocalization, and the Politics of Knowledge” in *Earthly Politics* 81.

²⁷ Myanna Lahsen, “Transnational Locals: Brazilian Experiences of the Climate Regime” in *Earthly Politics* 151.

²⁸ Tim Forsyth, “Social Movements and Environmental Democratization in Thailand” in *Earthly Politics* 195.

²⁹ Marybeth Long Martello, “Negotiating Global Nature and Local Culture: The Case of Makah Whaling” in *Earthly Politics* 263.

³⁰ Alastair Iles, “Patching Global and Local Knowledge Together: Citizens Inside the U.S. Chemical Industry” in *Earthly Politics* 285. For critiques of the citizen-expert dichotomy, see Steven Epstein, *Impure Science: AIDS, Activism and the Politics of Knowledge* (Berkeley: University of California Press, 1996); Frank Fischer, *Citizens, Experts, and the Environment: The Politics of Local Knowledge* (Durham, NC: Duke University Press, 2001);

opens a window onto the way in which locally powerful and universally technical discourses are merging. For him, citizens urge conceptions of expertise that encompass alternative knowledge rooted in local experiences of pollution, while industry maintains that the standardization of production choices is necessary for reasons of efficiency. As he reveals, however, technical knowledge, production systems and business models, once assumed to transcend borders with ease, are slowly and tentatively beginning to make room for local input.

Prescriptions for Reform

This collection urges us to abandon the idea of globalization as an inevitable homogenizing force. Sometimes, it reminds us, we can entirely invert that image, viewing it instead as a tension between the fiercely *political* agendas of globalizing and localizing. The concluding essay "Knowledge and Governance" offers prescriptions within this context in three areas.³¹ First, the authors emphasize the need for a heightened awareness across global governance institutions of their enormous influence on the construction of the global and the local. Such institutions, it is argued, tend to take for granted that some problems are global or local by nature and "fail to see their own hand in the creation of these categories."³² Accordingly, readers are encouraged in this final text to question the manner in which problems have traditionally been framed and to consider alternative perspectives to these problems

Second, with respect to expertise, the authors urge likewise for a shifting of attitudes by governance institutions. Currently, it is suggested, those with global knowledge are regarded as "experts" while local actors are often seen as merely "holders" of indigenous knowledge.³³ It is as if the local actors simply need to be unburdened of the knowledge. The cases considered in this volume, of course, call this attitude into question, not only in their exposure of the richness of local expertise but in their finding that expert claims in global forums are as situated and particular as alternative assertions. Similarly, the authors suggest a reversal of the relations of epistemic power in these contexts, an effort to displace traditional institutional forums in which experts allow themselves to be questioned by locals. Following this second paradigm, the "informed uptake of local epistemologies by scientific communities"³⁴ should facilitate, as is illustrated by many of the contributors, the integration of relevant local knowledge into the domain of global policy.

Finally, in the arena of the global "democratic deficit", the authors argue that "there cannot be a meaningfully accountable, let alone a democratic, global order without making room for voices and epistemologies organized at levels much below

Sylvia Noble Tesh, *Uncertain Hazards: Environmental Activists and Scientific Proof* (Ithaca and London: Cornell University Press, 2000).

³¹ Jasanoff & Martello, *supra* note 3 at 335.

³² *Ibid.* at 343.

³³ *Ibid.* at 344.

³⁴ *Ibid.* at 345.

the global."³⁵ Since the boundary between local and global is both fluid and contested, it is argued that an ongoing conversation is necessary. Further, commitments to capacity-building are encouraged in recognition of the fact that considerable local knowledge of a different type is required to effectively penetrate the "closed institutional preserves"³⁶ of global governance.

In the end, it is the *ideology* of global governance that the editors seek to influence. Any misunderstanding of their conclusions are pre-empted by their assertion that they do not mean to suggest that "lay or indigenous knowledges are better than science or that all knowledge claims, regardless of their source, are entitled to equal respect."³⁷ On the contrary, they endeavour to underline the fact that "all *disciplined* ways of knowing nature, as well as conceptualizing human-nature relationships, have their strengths and limitations."³⁸

Analysis and Critique

The grand chorus of globalization, the supposed crescendo of culture and commerce caused by escalating transactions among the peoples of the world, is increasingly punctuated in sharp tones by voices asserting the vitality and legitimacy of the local.³⁹ In this book, both the local and the global have been imagined afresh.⁴⁰

Jasanoff and Martello characterize the 1990s as "a long march toward doubt and uncertainty."⁴¹ The power of science to quell controversy may be said to have declined precipitously while its knack for bridging "deep ideological and normative divisions" has basically dropped off completely.⁴² Studies in the sociology of scientific knowledge have revealed that the channels through which scientific knowledge gains credibility bear remarkable semblance to those processes involved in the garnering of political legitimacy.⁴³ The conclusion that natural and social order are co-produced, an idea that the authors propound, fuels a call for governance institutions to adopt

³⁵ *Ibid.* at 346.

³⁶ *Ibid.* at 347.

³⁷ *Ibid.*

³⁸ *Ibid.* at 347-348.

³⁹ A musical metaphor for globalization is hinted at in the first line of Jasanoff & Martello's concluding piece, *ibid.* at 335.

⁴⁰ Iles' essay characterizes the US chemical industry as "a site where 'the local' has been imagined afresh," *supra* note 30 at 305.

⁴¹ Jasanoff & Martello, *supra* note 3 at 337.

⁴² *Ibid.*

⁴³ See e.g. H.M. Collins, *Changing Order: Replication and Induction in Scientific Practice* (London: Sage, 1985), Steve Shapin, *The Scientific Revolution* (Chicago: University of Chicago Press, 1996), Bruno Latour & Steve Woolgar, *Laboratory Life: The Construction of Scientific Facts* (Princeton: Princeton University Press, 1990).

more nuanced conceptions of the politics of knowledge production in both global and local contexts.⁴⁴

Cross-regional scientific exchanges or conflicts (think again of the cross-Atlantic GMO dispute currently before the WTO⁴⁵) often reveal that scientific understandings of nature are produced through and reflect highly particular and locally specific ways of knowing.⁴⁶ Differences in regulatory approach may derive from differences in lived experiences (in the U.K. many have raised the legacy of the BSE tragedy as a primary factor in the public's opposition to GM foods), from distinct histories or from cultural or intellectual traditions (others have pointed to the cultural symbolism of the British countryside as a haven for birds and wildlife).⁴⁷ The authors predict that invoking a "neutral" science to arbitrate such disputes (as the WTO regime attempts to do) is an invitation to global discord.⁴⁸ To the extent that the authors reject the illusion that a strict reliance on science will overcome "deep-seated and consequential divergences" within the global order,⁴⁹ I am in agreement with them.

Law as Local Knowledge

Despite the discussion of *disciplined* ways of knowing relevant to global governance, however, legal academics will be disappointed with this collection's treatment of law. Nowhere will such readers find a critical re-thinking of the status of legal knowledge of the sort directed by the contributors towards scientific knowledge. In fact, law is regarded in this collection almost as an *object* rather than a *means* of knowing, despite the fact that Jasanoff has written extensively on the interaction of scientific and legal ways of knowing and reasoning.⁵⁰ There is no discussion, for example, of how *legal* knowledge would be treated within the scope of their analysis. I would suggest, however, that, following the concept of local knowledge adopted throughout the collection, legal knowledge would itself be judged to be contingent, local and situated.

Just as scientific knowledge is a product of the particular dynamics of the setting from which it derives, law is similarly "marked by its origins." WTO law, for exam-

ple, can be seen as a manner of knowing bounded by the particularities of a negotiated agreement (itself resulting from a particular political dynamic) and the jurisprudence that flows from the contingencies and context of particular disputes. Such law is also local in the sense articulated by Iles: that of being "difficult to discern and communicate beyond the particular setting where it is generated and held."⁵¹ Legal discourse, the process through which legal knowledge is constituted through communication,⁵² is a specialized language. It is a "particular *mode* of communication; a field characterized by its own linguistic conventions, which both draws on and generates a distinctive way of understanding the world."⁵³

While the editors espouse the view that all knowledge is local, the essays rarely challenge head-on the orthodox view characterizing "elite global discourses", especially legal discourses, as simplifying and universal.⁵⁴ Even in Cathleen Fogel's essay, "The Local, the Global and the Kyoto Protocol," the *Kyoto Protocol* is itself not taken as an artefact (something constructed for a particular purpose and resulting from a cultural institution or process) but as a "global vision".⁵⁵ While here it is acknowledged, even underlined, that elite global discourses are *partial* and do not reflect indigenous perspectives, it is never explicitly contended that legal knowledge is either situated or local.

With respect to the *Cartagena Protocol on Biosafety*, Gupta comes closer to presenting legal knowledge as local. Defining local knowledge as the "common understandings held by a collectivity within an identifiable context," she admits that, according to this definition, "most knowledge is 'local.'"⁵⁶ She goes on to argue, citing Jasanoff, that science, "more than any other social resource," offers an "especially powerful discursive and institutional framework for creating globally convergent understanding[s],"⁵⁷ including within the context of decision-making bodies like the WTO. But what about law? If Gupta and the others are concerned with whether and how local knowledges "acquire ascendancy, spread out of their original contexts, and become globalized,"⁵⁸ they may, one might argue, equally be interested in how legal knowledge, given its local nature, might accomplish this. Accordingly, the global reach of concepts related to the international trade regime – the legal doctrines of "most favoured nation" and "national treatment", for instance, or the concept of

⁴⁴ See also Sheila Jasanoff, ed., *States of Knowledge: The Co-Production of Science and Social Order* (London: Routledge, 2004).

⁴⁵ *Supra* note 6.

⁴⁶ Jasanoff & Martello, *supra* note 3 at 340.

⁴⁷ On the explanations for regulatory divergences between North America and the U.K. with respect to food biotechnology, see Sarah Hartley, "A Comparison of Policy Responses to Environmental Risk: The Case of Agricultural Biotechnology in Canada and the UK", Ph.D. dissertation, University of Toronto, forthcoming.

⁴⁸ Jasanoff & Martello, *supra* note 3 at 340.

⁴⁹ *Ibid.*

⁵⁰ See e.g. *Science at the Bar: Law, Science, and Technology in America* (Cambridge, MA: Harvard University Press, 1995); *The Fifth Branch: Science Advisers as Policymakers* (Cambridge, MA: Harvard University Press, 1990); and *Controlling Chemicals: The Politics of Regulation in Europe and the U.S.* (with Ronald Brickman and Thomas Ilgen) (Ithaca, NY: Cornell University Press, 1985).

⁵¹ Iles, *supra* note 30 at 291.

⁵² See Norman Fairclough, *Discourse and Social Change* (Cambridge: Polity Press, 1992).

⁵³ Kay Milton, *Environmentalism and Cultural Theory: Exploring the Role of Anthropology in Environmental Discourse* (New York: Routledge, 1996) at 167.

⁵⁴ See e.g. Cathleen Fogel, "The Local, the Global and the Kyoto Protocol" in *Earthly Politics* 103 at 121.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.* at 128.

⁵⁷ *Ibid.* at 129, citing Sheila Jasanoff, "Contingent Knowledge: Implications for Implementation and Compliance" in Edith Brown Weiss & Harold Jacobson, eds., *Engaging Countries* (Cambridge: MIT Press, 1998).

⁵⁸ *Ibid.* at 129.

“trade protectionism” more generally – could be examined using the same tools put to work in this volume.

Chaia Heller and Arturo Escobar, in a recent article exploring “transnationalized gene landscapes”, detail local resistances to the dominant “globalocentric” discourses of genetic technologies and intellectual property rights.⁵⁹ Here, the authors describe the local challenges facing the universal application not only of scientific concepts like genes but also of *legal* concepts like intellectual property: “For many peasant and indigenous societies, genes and intellectual property rights are not meaningful categories.”⁶⁰ In their study, they point out that locally meaningful categories, “including blood, reciprocity, commons and noncommodified forms of compensation,” are often not easily translated into the dominant “globalocentric” concepts of genes, persons, and property.⁶¹ As reflected in their study, the local/global tension in knowledge/power struggles applies not only with respect to science but also with respect to law.

In fairness, the editors make no claims to address issues of legal knowledge within the context of the local/global interface discussed above. Having said as much, they *do* set out to explore the “mechanisms through which ideas, communities, practices, economies, and *knowledges* acquire power and achieve currency.”⁶² In this respect, it seems reasonable to suggest that if legal knowledge can be conceived of as local and situated then studying ways in which it is often regarded as undeniably global or universal may provide insight into how to extend credibility and influence to other forms of locally-produced knowledge.

Conclusion

Earthly Politics represents a creative and original approach to the issues of global environmental governance. In zeroing in on the dynamics of the local/global interface, the authors illustrate how local and global actors manage the contradictions of globalization and how knowledge is mobilized and characterized in particular settings. It is a collection rich in description, nuance and contextual analysis.

But while the authors have compiled a compelling body of material, the task of working out its many implications is just beginning for those working in the field. Karen Kitfin, in her important 1996 work *Ozone Discourses*,⁶³ issued a challenge that Jasanoff and Martello have courageously taken up. They have applied a discursive

approach to the understanding of the knowledge/power dynamic of globalization with, it must be noted, impressive results. Any next step, in my opinion, should attempt to relate the significance of law and legal knowledge to the local/global interface informing environmental governance.

⁵⁹ Chaia Heller & Arturo Escobar, “From Pure Genes to GMOs: Transnationalized Gene Landscapes in the Biodiversity and Transgenic Food Networks” in Alan H. Goodman, Deborah Heath & M. Susan Lindee, eds., *Genetic Nature/Culture: Anthropology and Science Beyond the Two-Culture Divide* (Berkeley and Los Angeles: University of California Press, 2003) 155.

⁶⁰ *Ibid.* at 168.

⁶¹ *Ibid.*

⁶² *Supra* note 2 at 18 [emphasis added].

⁶³ Karen Litfin, *Ozone Discourses Science and Politics in Global Environmental Cooperation* (New York: Columbia University Press, 1994).